

1-1 By: West S.B. No. 394  
1-2 (In the Senate - Filed February 5, 2013; February 13, 2013,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 11, 2013, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; March 11, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED  
1-15 AN ACT

1-16 relating to restricting access to records of children convicted of  
1-17 or receiving deferred disposition for certain fine-only  
1-18 misdemeanors.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 44.2811, Code of Criminal Procedure, is  
1-21 amended to read as follows:

1-22 Art. 44.2811. RECORDS RELATING TO CHILDREN CONVICTED OF OR  
1-23 RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS.

1-24 (a) This article applies only to a misdemeanor offense punishable  
1-25 by fine only, other than a traffic offense.

1-26 (b) All records and files and information stored by  
1-27 electronic means or otherwise, from which a record or file could be  
1-28 generated, relating to a child who is convicted of and has satisfied  
1-29 the judgment for or who has received a dismissal after deferral of  
1-30 disposition for an ~~[a fine-only misdemeanor]~~ offense described by  
1-31 Subsection (a) ~~[other than a traffic offense]~~ are confidential and  
1-32 may not be disclosed to the public except as provided under Article  
1-33 45.0217(b). ~~[All records and files and information stored by~~  
1-34 ~~electronic means or otherwise, from which a record or file could be~~  
1-35 ~~generated, relating to a child whose conviction for a fine-only~~  
1-36 ~~misdemeanor other than a traffic offense is affirmed are~~  
1-37 ~~confidential upon satisfaction of the judgment and may not be~~  
1-38 ~~disclosed to the public except as provided under Article~~  
1-39 ~~45.0217(b).]~~

1-40 SECTION 2. Article 45.0217, Code of Criminal Procedure, is  
1-41 amended to read as follows:

1-42 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE  
1-43 CONVICTION OF OR DEFERRAL OF DISPOSITION FOR A CHILD. (a) This  
1-44 article applies only to a misdemeanor offense punishable by fine  
1-45 only, other than a traffic offense.

1-46 (a-1) Except as provided by Article 15.27 and Subsection  
1-47 (b), all records and files, including those held by law  
1-48 enforcement, and information stored by electronic means or  
1-49 otherwise, from which a record or file could be generated, relating  
1-50 to a child who is convicted of and has satisfied the judgment for or  
1-51 who has received a dismissal after deferral of disposition for an ~~[a~~  
1-52 ~~fine-only misdemeanor]~~ offense described by Subsection (a) ~~[other~~  
1-53 ~~than a traffic offense]~~ are confidential and may not be disclosed to  
1-54 the public.

1-55 (b) Information subject to Subsection (a-1) ~~[(a)]~~ may be  
1-56 open to inspection only by:

- 1-57 (1) judges or court staff;  
1-58 (2) a criminal justice agency for a criminal justice  
1-59 purpose, as those terms are defined by Section 411.082, Government  
1-60 Code;  
1-61 (3) the Department of Public Safety;

(4) an attorney for a party to the proceeding;  
(5) the child defendant; or  
(6) the defendant's parent, guardian, or managing conservator.

SECTION 3. Section 58.00711, Family Code, is amended to read as follows:

Sec. 58.00711. RECORDS RELATING TO CHILDREN CONVICTED OF OR RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS.

(a) This section applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

(b) Except as provided by Article 45.0217(b), Code of Criminal Procedure, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an [a fine-only misdemeanor] offense described by Subsection (a) [other than a traffic offense] are confidential and may not be disclosed to the public.

SECTION 4. Articles 44.2811 and 45.0217, Code of Criminal Procedure, and Section 58.00711, Family Code, as amended by this Act, apply to the disclosure of a record or file on or after the effective date of this Act regardless of whether the offense that is the subject of the record or file was committed before, on, or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2013.

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